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OFFICE OF PETITIONS

In re Application of  
Joseph Giovanni Barresi, et. al.  
Application No. 09/355,987  
Filed: November 18, 1999  
Attorney Docket No. 6224/JCK

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 10, 2005, to revive the above-identified application. The delay in responding is regretted.

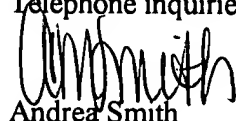
The application became abandoned for failure to file a proper reply to the non-final Office action mailed September 11, 2001, which set a shortened statutory period for reply of three (3) months. Since a three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned after midnight March 11, 2002. A Notice of Abandonment was mailed on October 31, 2002.

It is noted that while the above application was held abandoned after midnight March 11, 2002, the U.S. Patent and Trademark Office (USPTO), processed the improper CPA (RCE) and a non-final Office action was mailed on May 3, 2002 to which applicant timely responded with a an amendment and two (2) month extension of time on September 27, 2002.

Since the petition is found to be in compliance with 37 CFR 1.137(b), the petition is being treated as having been granted prior to the mailing of the May 3, 2002 Office action. Accordingly, the petition is **GRANTED** and this decision ratifies the ensuing prosecution.

The application is being referred to the Technology Center Art Unit 1742, for consideration of the amendment filed September 27, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith

Petitions Examiner  
Office of Petitions